

UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
OFFICE OF THE CHIEF ADMINISTRATIVE HEARING OFFICER

MICHAEL L. SMILEY,)	
Complainant,)	
)	
v.)	8 U.S.C. § 1324b Proceeding
)	OCAHO Case No. 96B00049
CITY OF PHILADELPHIA,)	
DEPT. OF LICENSES)	
AND)	
INSPECTIONS,)	
Respondent.)	

ORDER CORRECTING FINAL DECISION AND ORDER
(April 16, 1997)

The Final Decision and Order Dismissing Complaint issued April 14, 1997 is corrected at page 6, by amending the first paragraph to read as follows (new text in bold; deleted text in bracketed italics):

Patently, Complainant's motion **for default by Philadelphia for its failure to answer his** [*in*] reply to the affirmative defenses is an unauthorized pleading in the absence of a request to the Judge for leave to make such filing. 28 C.F.R. § 68.9(e). No request was made. Fairness, efficiency, and sound administration of justice demand no less; Respondent's aphorism, referring to a hall of mirrors, is well-taken. Without further discussion, the motion for default is denied, and the reply to the affirmative defenses [*is stricken*], **summarized above, comprising only a reiteration of Complainant's arguments on the merits, is held for naught.** (Footnote omitted).

SO ORDERED.

Dated and entered this 16th day of April, 1997.

Marvin H. Morse

Administrative Law Judge
CERTIFICATE OF SERVICE

I hereby certify that copies of the attached Order Correcting Final Decision and Order were mailed postage prepaid this 16th day of April, 1997, addressed as follows:

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